

Draft Meeting Notes - April 10, 2001
Regulatory and Administrative Working Group

A. Consistency between DEM Programs

There was a general discussion on inconsistent site remediation standards and notification requirements between DEM's regulatory programs. Some of this difference is caused by the philosophy of the programs, i.e. regulatory compliance versus voluntary clean-ups. There was general agreement that different sites, depending on the controlling regulatory program will require different standards, which are understood. The group thought that the final approval letter was key and we should work to have DEM issue a final letter that works for all the programs. Other issues discussed under this topic include:

- * List of programs in the issue of concern is incomplete. Besides UST/LUST and Oil Pollution Control Regulations, we need to broaden our thinking to include UIC, Water Resources, and Groundwater, and Hazardous/Solid Waste.
- * Consider "cleaning up" the language in the OPC Regulations in lieu of a review and rewrite at this time. Purpose would be to get correct phone number and agency references. Sue Courtemouche was willing to take a look at this issue.
- * Consider developing fact sheets or policy statements that detail DEM's procedures for interaction between programs and clarification of reporting and remediation standards between RIDEM programs.

B. Completeness of Submittals

The group next discussed the need for improving quality of submissions. From DEM's perspective, reviews of submissions could be performed more expeditiously if all aspects of the regulations were covered in the submission. Reviews would flow better if there was a standard format used; or if a section of the submission could note the location of the regulatory requirements within the submission. Consistency of DEM reviews could be helped by the preparation of administrative / review technical checklist.

The issue of training was discussed and there was not a lot of support for detailed training. Some limited outreach or workshops that explain the DEM expectations for submissions might be useful.

Suggestions concerning ways to improve application quality or processing time include the following:

- * A completeness checklist would be helpful on both sides of the table. RIDEM to take first cut at this.
- * Split the review process into an administrative review and a technical review. This would hopefully provide RIDEM with "complete" reports to review for technical adequacy, and would get some communication early on between applicant and RIDEM.
- * Ecological risks are poorly presented in submittals. RIDEM requires at least a statement saying "no ecological risk" in the absence of a lengthy ecological risk section.

RIDEM noted they would give consideration to MA DEP GW-3 MCP numbers for evaluating ecological risks and risks to surface water bodies.

C. Simple Sites

The group discussed streamlining the review of sites that were simple. It was thought that decisions could be reached quickly on these sites and thus freeing up the staff to review the more detailed sites.

RIDEM presented initial thoughts on criteria for simple sites, and included the following concepts:

- Contamination was not in contact with groundwater;
 - Leachability of the contaminants;
 - There was no anticipated recreation use of the property;
 - There was no off site migration of the contaminants;
 - Site was located in a industrial zone;
 - Material would either be removed (possibly limited to a maximum number of cubic yards) or capped; and
 - Cap would meet DEM standards (To be developed by DEM)
- * DEM would prepare a strawman proposal that could be discussed at the next Task Force meeting. There was general agreement from working group members on the approach.
- * There will be two major segregations of simple sites: GA Criteria, and GB Criteria.
- * Start with a protocol for the simplest and expand if the implementation is successfully and well received.
- * May not pick up the majority of the sites in the system.

D. Environmental Equity

Everyone agreed it was an important issue. RIDEM will implement policy on environmental equity and would brief the Task Force on the direction of this policy. Task force members noted that defining criteria that helps focus the environmental equity issues would be helpful. For example: How close does a group or building have to be for receptor status and environmental equity consideration?

E. Fee Structure

- * No one had issues with RIDEM implementing permit fees.
- * RIDEM explained their consideration that fees for ELUR's would help minimize their use and increase actual remediation activities. To this point it was noted that the difference in cost for an ELUR fee and potential remediation scenarios would likely be so significant that it would not end up being a deterrent at all. One issue discussed was having yearly fees for ELUR's. This might push more removal proposals versus caps.

* Suggestions were made that incentives as opposed to fees may be more helpful (i.e. tax relief or other mechanisms). RIDEM noted there already existed a federal tax relief for certain remediation actions.

F. Staffing

There was much discussion about ways of getting RIDEM involved early in the process to assist in moving things through the system. No resolution was reached on this matter since it was agreed that responsible parties are not eager to get RIDEM involved before they fully understand their site issues, while RIDEM countered that they can assist perhaps in limiting some of the investigation scopes if they have earlier input. It was also mentioned that site remediation that was triggered by property transfers were treated differently than enforcement related cases. Property transfers, by nature are not an open process, and people may not want DEM involved until the site is fully characterized.